

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JUAN VASQUEZ, :
:
 Petitioner, :
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 - v - : 07 Civ. 7575 (DLC)
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 ORDER
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H.D. GRANHAM, Superintendent, Auburn :
:
Correctional Facility, :
 Respondent. :
:
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DENISE COTE, District Judge:

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") became effective on April 26, 1996. Among other things, AEDPA amends 28 U.S.C. § 2244 to require that habeas petitions brought under 28 U.S.C. § 2254 be filed no later than one year after the completion of state court direct review. Vasquez was denied leave to appeal by the New York Court of Appeals on April 25, 2007. Therefore, petitioner's judgment of conviction became final within the meaning of AEDPA on July 24, 2006. Vasquez's petition was received by the Pro Se office on July 27, 2007.

The Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules governing Section 2254 cases in the United States District Courts, it is hereby

ORDERED that the respondent file an answer to the petition or other pleading in response thereto, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, no later than November 9, 2007.

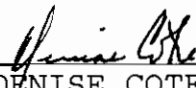
IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order and of the petition by certified mail upon the respondent and the Attorney General of the State of New York.

IT IS FURTHER ORDERED that petitioner shall have thirty days from the date on which he is served with respondent's answer to file a response. The petition will be considered fully submitted as of that date.

IT IS FURTHER ORDERED that this action is referred to Magistrate Judge Dolinger. All correspondence and requests should be sent to the attention of Judge Dolinger.

SO ORDERED:

Dated: New York, New York
September 11, 2007



DENISE COTE
United States District Judge